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RUEHXP/ALL NATO POST COLLECTIVE PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 02 USNATO 000731

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CENTCOM FOR POLAD, CENTCOM FWD FOR CAOC

E.O. 12958: DECL: 12/19/2016

TAGS: [NATO PREL](#) [MOPS](#) [MARR](#) [AF](#) [QA](#)

SUBJECT: RFG: QATAR CHALLENGING IMMIGRATION STATUS OF NATO
PERSONNEL AT AL UDEID

REF: A. A. OLSON/RATNEY EMAIL 12/18

[1](#)B. B. COCKRELL/MULTIPLE ADDRESS 12/18

Classified By: DCM Richard Olson, for reasons 1.4 (b) and (d)

[1](#)1. (SBU) This is a request for guidance; see para 5.

[1](#)2. (C) SUMMARY. The Qatari government has informed NATO that fourteen ISAF personnel at the CAOC at al Udeid airbase are in illegal immigration status, working ISAF issues in the absence of a NATO-Qatar SOFA. Qatar has asked NATO to declare formally the presence of these personnel in Qatar, so that the GOQ may grant them an as-yet undefined interim status, and begin formal negotiations on a SOFA. Prospects for a satisfactory NATO-Qatar SOFA are dim at present, based on several months of inconclusive legal expert exchanges. Qatar has stated these personnel are not/not presently covered by respective bilateral SOFAs, either. SYG de Hoop Scheffer intends to satisfy the Qatari request via a letter. We request guidance on whether we can concur with this way ahead. END SUMMARY.

[1](#)3. (C) NATO IS officials informed the NATO Political Committee on 12/18 that the Alliance had received a letter from the Qatari government (ref A) on 12/6 identifying 14 NATO military personnel (US/UK/CA/NL) which the GoQ considered to be working at the al-Udeid air base combined air operations center (CAOC) under an "illegal" immigration status. The Qataris state that the fourteen are performing NATO Afghanistan mission-related tasks yet hold immigration status linked to tourist visas or bilateral arrangements which the GoQ considered inconsistent with their actual CAOC tasks. They asked that NATO immediately confirm in writing to the GoQ whether the fourteen identified in the letter were performing NATO tasks and, if so, that NATO begin an immediate negotiation process to determine a legal SOFA status for the NATO personnel. They specifically told NATO authorities that while they would consider the reported fourteen personnel to be covered by an unspecified "interim status" once reported by NATO, they specifically would not be covered by their respective bilateral SOFA arrangements -- and are not currently covered by respective bilateral SOFA arrangements. Their cover

letter says that "it is imperative at this stage that the Embassy (of Qatar in Belgium) receives as soon as possible a request whereby NATO provides clarification about the NATO procedures, in addition to an application to rectify their status, in order that this situation will not lead to any further implications."

¶4. (C) NATO IS officials further explained that, since receiving the letter on 12/6, senior NATO officials, including the Deputy Secretary General Minuto Rizzo on the margins of a regional NATO seminar in Kuwait on 12/12-13 and Supreme Allied Commander Europe General John Craddock in an otherwise previously scheduled 12/18 visit to Qatar, have engaged the GoQ. They have encountered a strong resolve by the GoQ to have a NATO SOFA negotiated with Qatar immediately, as well as work on a further elaboration of NATO ties to Qatar, such as defense and security training and military education. NATO Secretary General Jaap de Hoop Scheffer wants to send a reply to Qatar no later than 12/20 confirming the status of the fourteen personnel identified by the Qatari letter and addressing the request from the GoQ on NATO's stance about their "urgent request" for a NATO-Qatar SOFA negotiation (comment: which we, and NATO legal officials, based on several months of inconclusive initial legal expert exchanges and the stated Qatari position, estimate is unlikely to produce a privileges and immunity set at the level we receive in U.S.-Qatari legal arrangements. End Comment.)

¶5. (C) RFG: SYG de Hoop Scheffer is seeking Allied opinions on this course of action. We seek U.S. stance on whether we would support NATO sending this letter, thus putting the 14 into a formal undefined "interim" status -- more than the "illegal" status they currently hold, according to the

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December 6 Qatari note to NATO in Brussels -- and starting a negotiation with Qatar on a NATO SOFA. This could mean that if NATO is unable to negotiate a SOFA that provides equal protections to personnel as does the U.S. bilateral SOFA, future U.S. personnel perform missions for ISAF at the CAOC in a NATO SOFA status would be less protected than those performing Coalition tasks, who would be covered by bilateral SOFA arrangements. End request.

¶6. (C) Ref B forwarded a copy of the letter to NATO and U.S. military authorities, as well as Embassy Doha, to seek to verify the status and identity of the reported American military members in the Qatari letter. SHAPE contacts stated that a portion of the CAOC at al-Udeid is dedicated to NATO ISAF support, but we have not yet been able to confirm whether the NATO personnel identified by Qatar, are in fact working there currently. (Comment: we spoke with the head of the ISAF staff at the CAOC, who stated that the list attached to the December 6 Qatari letter is now OBE, as some staff have already rotated out. Nevertheless, the underlying issues remain valid, and some staff may still be in an unclear immigration status, as outlined above. End comment.)

OPTIONS LOOKING AHEAD

¶7. (C) We believe that the most direct solution, absent a NATO-GOQ SOFA at present, would be for the GOQ to permit foreign military personnel to work both NATO and Coalition issues within the CAOC, under the protection of respective bilateral agreements. While Qatar has firmly stated it will not agree to this, it may be worth readdressing the issue from both an Alliance and bilateral perspective, given significant U.S. equities in the success of ISAF. We do not know whether Qatar would seek to expel the fourteen possible NATO personnel whom they have identified, but such a risk exists. In any event, if these NATO military personnel perceive that they are covered by bilateral SOFA status now, Qatar expressly considers them not to be protected by those

arrangements. We do not exclude that there is at least a risk that short-term ISAF-related air operations could be degraded and disrupted if Qatar forces these personnel to leave, or prohibits replacements from entering the country. If NATO can reach a NATO-wide applicable SOFA arrangement with Qatar, we may well face a situation wherein U.S. personnel assigned to the NATO-related portion of CAOC duties are asked to serve under protections less generous than our current bilateral SOFA.

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